

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:
	:
- v. -	:
	:
ROBERT COPLAN,	:
MARTIN NISSENBAUM,	:
RICHARD SHAPIRO,	:
BRIAN VAUGHN,	:
DAVID SMITH, and	:
CHARLES BOLTON,	:
	:
Defendants.	:
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**NOTICE OF OMNIBUS
PRETRIAL MOTION FOR
BRIAN VAUGHN**

(S-1) 07 Cr. 453 (SHS)

PLEASE TAKE NOTICE that upon the annexed declarations of JAMES B. TUCKER, ESQ., and PETER H. BARRETT, ESQ., counsel for the defendant BRIAN VAUGHN, and upon the accompanying Memorandum of Law, the defendant Vaughn will move this Court, before the Hon. Sidney H. Stein, United States District Judge for the Southern District of New York, in Courtroom 23A, at the United States Courthouse, 500 Pearl Street, New York, New York, at a time and date to be set by the Court, for the following relief:

1. For an Order, pursuant to Rule 12(b)(3)(A) and (B), Fed. R. Crim. P., and the grand jury clause of the Sixth Amendment, U.S. Constitution, dismissing Count Ten of the Superseding Indictment on the ground that the Special Grand Jury, impaneled and acting pursuant to 18 U.S.C. §§3331-3332 had no jurisdiction to charge the defendant with a crime committed wholly outside the geographical jurisdiction of the Special Grand Jury;

2. In the alternative to a dismissal of Count Ten, for an Order pursuant to Rules 12(b)(2) and 18, Fed. R. Crim. P., 28 U.S.C. §1406(a), and Article III, Section 2 of the

U.S. Constitution, and the venue clause of Sixth Amendment of the U.S. Constitution, directing that the charge in Count Ten of the Superseding Indictment be transferred to the Middle District of Tennessee, on the ground that there is no venue for the charge in the Southern District of New York;

3. For an Order, pursuant to Rule 21(b), Fed. R. Crim. P., directing, in the interests of justice and for the convenience of the parties and witnesses, that the proceeding as to Vaughn be transferred to the Middle District of Tennessee;

4. For an Order, pursuant to Rule 7(f), Fed. R. Crim. P., directing the Government to provide a bill of particulars;

5. For an Order, pursuant to Rule 16, Fed. R. Crim. P., directing the Government to provide discovery, including the timely pretrial designation of testimonial statements of alleged co-conspirators which the Government intends to use in its case-in-chief, a witness list and 3500 material, produced sufficiently in advance of trial to enable counsel's trial preparation;

6. For an Order directing the Government to answer defense counsel's demands in a letter dated July 18, 2007, with respect to the Government's compliance with the disclosure provision in 26 U.S.C. §6103(h);

7. For an Order, pursuant to Rule 16(a)(1)(G), and Rules 702, 703 and 705, Fed. R. Evid., directing the Government to provide the defense with a written summary of the testimony of any expert it intends to use in its case-in-chief;

8. For an Order, pursuant to Rule 404(b), Fed. R. Evid., directing the Government to provide notice, sufficiently in advance of the trial, of its intention to offer

evidence of "similar acts" or other evidence and if so, to set forth the date, place and describe the nature of each such "other crime" evidence.

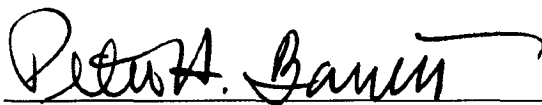
9. For an order, pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and its progeny, directing the Government to provide all information in its possession tending to exculpate the defendant Vaughn of the alleged criminal conduct, including information which will tend to impeach the credibility of the Government's witnesses; and

For such other and further relief as the Court may deem just and proper, including leave, upon a proper showing, to make additional pre-trial motions pursuant to Rule 12(b)(3), Fed. R. Crim. P., and for leave to join in, as appropriate, such applications for pretrial relief as may be filed on behalf of the co-defendants in this prosecution.

Dated: Jackson, Mississippi
May 5, 2008

Yours, etc.

BUTLER, SNOW, O'MARA,
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TO: Clerk of the Court
United States District Court
Southern District of New York
(By ECF)

Hon. Sidney H. Stein
United States District Judge
Southern District of New York
(Courtesy Copy Federal Expressed to Chambers)

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